

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

SAMUEL WYLY, DONALD R. MILLER,
JR., in his Capacity as the Independent
Executor of the Will and Estate of
Charles J. Wyly, Jr.,

Defendants.

No. 1:10-cv-5760-SAS

ECF Case

NOTICE OF MOTION
**TO RECONSIDER THIS COURT'S OPINION AND ORDER GRANTING
DISGORGEMENT OF "GAINS IN EXCESS OF BUY AND HOLD BENCHMARK"**

PLEASE TAKE NOTICE that, for the reasons set forth in the accompanying memorandum of law, Defendants Samuel Wyly and Donald R. Miller, in his Capacity as the Independent Executor of the Will and Estate of Charles J. Wyly, Jr., respectfully move this Court, before the Honorable Shira A. Scheindlin, District Judge, Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 15C, New York, New York 10007-1312, to reconsider the opinion and order, issued December 19, 2014, awarding disgorgement based on Dr. Chyhe Becker's "Measure #1," "Gains in Excess of Buy and Hold Benchmark."

Dated: December 22, 2014

Respectfully submitted:

SUSMAN GODFREY, L.L.P.

By: A handwritten signature in blue ink, appearing to be "S.D. Susman" followed by "S.M. Shepard" and a date "12/22/14" written below the signature.

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